

INITIAL STATEMENT OF REASONS

TITLE 21. CHAPTER 7. TRANSPORTATION PERMITS

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER
CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO
ADDRESS

Section 1411.1. Definitions

SPECIFIC PURPOSE OF THE REGULATION

The Department is required by Section 35795, Chapter 5, Division 15 of the California Vehicle Code to adopt regulations for fees. These amendments are consistent with this requirement and/or allow the Department the basis for applying fair and equitable practice toward the permit program.

NECESSITY

The amendments to section 1411.1 define terms used in later sections of chapter 7, and consequently, they address an administrative requirement. In addition, they define terms and related practices which are used daily in the permit program and heavy haul industry. Defining these terms removes some of the possibility for misunderstanding and ambiguity both in chapter 7 as well as with daily procedures.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

None.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR SMALL BUSINESSES

The Department has determined that there were no alternatives considered which would be more effective in carrying out the purpose of the proposed regulation or would be as effective and less burdensome to affected private persons or small businesses than the proposed regulation.

Section 1411.2. Issuance of Permits

SPECIFIC PURPOSE OF THE REGULATION

The Department is required by Section 35795, Chapter 5, Division 15 of the California Vehicle Code to adopt regulations for fees. These amendments are consistent with this requirement and/or allow the Department the basis for applying fair and equitable practice toward the permit program.

NECESSITY

Section 1411.2 refers to administrative procedures in a manual maintained by the Department. There is no reason for this reference to be in code since the Department may change the intent of the section by changing the manual. Instead, the amendments to this section detail the more stringent administrative procedures as to when a permit will be issued so as to provide clarity for all parties effected.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

None.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR SMALL BUSINESSES

The Department has determined that there were no alternatives considered which would be more effective in carrying out the purpose of the proposed regulation or would be as effective and less burdensome to affected private persons or small businesses than the proposed regulation.

Section 1411.3. Permit Fees.

SPECIFIC PURPOSE OF THE REGULATION

The Department is required by Section 35795, Chapter 5, Division 15 of the California Vehicle Code to adopt regulations for fees. These amendments are consistent with this requirement and/or allow the Department the basis for applying fair and equitable practice toward the permit program.

NECESSITY

The proposed changes will allow the Department to recover the financial shortfall currently being experienced. This in turn will allow a high level of customer service to be maintained. As earlier explained, this should hold true for local jurisdictions as well. Other amendments are secondary, but they will help the Department maintain a fair and equitable program.

The amendments to section 1411.3 adjust the fees charged for a permit to the present administrative cost of the permit program. This should help the Department maintain a high level of service, and since local jurisdictions are limited by law to charge fees equal to or less than those of the Department, it should also provide them the same opportunity to maintain a high level of service.

There are also some editorial amendments to section 1411.3 in that superfluous language is removed for clarity. The former section 1411.6 "Public Entities" is incorporated into this section since it addresses fees and exemptions. Other exemptions include fees for corrections to errors or omissions by the Department. Inspections are also exempted from fee with the exception of a missed appointment. This should improve the level of service provided by the Department's vehicle inspectors by avoiding lost travel and waiting time.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The following accounting computer data bases were used to estimate expenses and revenues:

Transportation Management System (TRAMS)
Budget Management System (BMS)
Permit Account System

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR SMALL BUSINESSES

The Department has determined that there were no alternatives considered which would be more effective in carrying out the purpose of the proposed regulation or would be as effective and less burdensome to affected private persons or small businesses than the proposed regulation.

Section 1411.4. Payment. (Present Code)

SPECIFIC PURPOSE OF THE REGULATION

The Department is required by Section 35795, Chapter 5, Division 15 of the California Vehicle Code to adopt regulations for fees. These amendments are consistent with this requirement and/or allow the Department the basis for applying fair and equitable practice toward the permit program.

NECESSITY

Section 1411.4 is repealed in entirety because there is no longer a need for a regulation as to the acceptance of payment.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

None.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR SMALL BUSINESSES

The Department has determined that there were no alternatives considered which would be more effective in carrying out the purpose of the proposed regulation or would be as effective and less burdensome to affected private persons or small businesses than the proposed regulation.

Section 1411.5. Time Limitations on Single Trip Permits. (Present Code)

SPECIFIC PURPOSE OF THE REGULATION

The Department is required by Section 35795, Chapter 5, Division 15 of the California Vehicle Code to adopt regulations for fees. These amendments are consistent with this requirement and/or allow the Department the basis for applying fair and equitable practice toward the permit program.

NECESSITY

The former section 1411.5 “Time Limitations on Single Trip Permits” has been repealed in entirety and included with the new section 1411.4 “Permit Duration”. The reason is simply to keep all like topics within the same section to avoid oversight and confusion.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

None.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR SMALL BUSINESSES

The Department has determined that there were no alternatives considered which would be more effective in carrying out the purpose of the proposed regulation or would be as effective and less burdensome to affected private persons or small businesses than the proposed regulation.

Section 1411.6. Public Entities. (Present Code)

SPECIFIC PURPOSE OF THE REGULATION

The Department is required by Section 35795, Chapter 5, Division 15 of the California Vehicle Code to adopt regulations for fees. These amendments are consistent with this requirement and/or allow the Department the basis for applying fair and equitable practice toward the permit program.

NECESSITY

The former section 1411.6 “Public Entities” has been repealed in entirety and included with the new section 1411.3 as earlier discussed. Again, this is to avoid oversight and confusion by keeping all like topics under the same heading and within the same section.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

None.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR SMALL BUSINESSES

The Department has determined that there were no alternatives considered which would be more effective in carrying out the purpose of the proposed regulation or would be as effective and less burdensome to affected private persons or small businesses than the proposed regulation.

Section 1411.4. Permit Duration. (Proposed Code)

SPECIFIC PURPOSE OF THE REGULATION

The Department is required by Section 35795, Chapter 5, Division 15 of the California Vehicle Code to adopt regulations for fees. These amendments are consistent with this requirement and/or allow the Department the basis for applying fair and equitable practice toward the permit program.

NECESSITY

The new section 1411.4 provides the duration for all the various types of permits issued by the Department. As discussed above, this should avoid confusion as to conflicting sections and/or oversight.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

None.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR SMALL BUSINESSES

The Department has determined that there were no alternatives considered which would be more effective in carrying out the purpose of the proposed regulation or would be as effective and less burdensome to affected private persons or small businesses than the proposed regulation.

Section 1411.5. Pilot Cars. (Proposed Code)

SPECIFIC PURPOSE OF THE REGULATION

The Department is required by Section 35795, Chapter 5, Division 15 of the California Vehicle Code to adopt regulations for fees. These amendments are consistent with this requirement and/or allow the Department the basis for applying fair and equitable practice toward the permit program.

NECESSITY

The new section 1411.5 details the administrative and functional requirements for pilot car operators. In particular, it details the expectation that the pilot car operator is to help the driver of the permit vehicle observe and react to obstacles on or along the road.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

None.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR SMALL BUSINESSES

The Department has determined that there were no alternatives considered which would be more effective in carrying out the purpose of the proposed regulation or would be as effective and less burdensome to affected private persons or small businesses than the proposed regulation.

Section 1411.6. Applicant's Responsibilities. (Proposed Code)

SPECIFIC PURPOSE OF THE REGULATION

The Department is required by Section 35795, Chapter 5, Division 15 of the California Vehicle Code to adopt regulations for fees. These amendments are consistent with this requirement and/or allow the Department the basis for applying fair and equitable practice toward the permit program.

NECESSITY

The new section 1411.6 places three key permit conditions into code so as to detail and emphasize the permit applicant's responsibility. Specifically, these conditions are:

- Permit Condition #1, "Responsibility of Permittee"
- Permit Condition #5, "Verification"
- Permit Condition #6, "Overhead Clearance"

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

None.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR SMALL BUSINESSES

The Department has determined that there were no alternatives considered which would be more effective in carrying out the purpose of the proposed regulation or would be as effective and less burdensome to affected private persons or small businesses than the proposed regulation.

Section 1411.7. Obligation to Report. (Proposed Code)

SPECIFIC PURPOSE OF THE REGULATION

The Department is required by Section 35795, Chapter 5, Division 15 of the California Vehicle Code to adopt regulations for fees. These amendments are consistent with this requirement and/or allow the Department the basis for applying fair and equitable practice toward the permit program.

NECESSITY

The new section 1411.7 is a summary of the Department's compliance program. It is necessary to place the summary into code so as to provide a solid basis for the program.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

None.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR SMALL BUSINESSES

The Department has determined that there were no alternatives considered which would be more effective in carrying out the purpose of the proposed regulation or would be as effective and less burdensome to affected private persons or small businesses than the proposed regulation.

Section 1411.8. Fire Trucks. (Proposed Code)

SPECIFIC PURPOSE OF THE REGULATION

The Department is required by Section 35795, Chapter 5, Division 15 of the California Vehicle Code to adopt regulations for fees. These amendments are consistent with this requirement and/or allow the Department the basis for applying fair and equitable practice toward the permit program.

NECESSITY

Amendments to the former section 1411.7 and renumbered to section 1411.8 are editorial and do not change the content.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

None.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR SMALL BUSINESSES

The Department has determined that there were no alternatives considered which would be more effective in carrying out the purpose of the proposed regulation or would be as effective and less burdensome to affected private persons or small businesses than the proposed regulation.